

No. AD 120 (Rev. 2/99)

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks

DOCKET NO: <b>CV 11-00671 LB</b>	DATE FILED 02/14/2011	U.S. DISTRICT COURT Northern District of California, 1301 Clay Street, RM 400S, Oakland, CA 94612
PLAINTIFF: <b>XILINX, INC.</b>		DEFENDANT <b>INVENTION INVESTMENT FUND I, LP, ET AL</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <i>il 2, h</i> <i>pgs. 3-4</i>		SEE ATTACHED
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1		SEE ATTACHED	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK Richard W. Wicking	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

61. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '736 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

62. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '736 patent, either literally or under the doctrine of equivalents.

63. A judicial declaration of non-infringement of the '736 patent is necessary and appropriate in order to resolve this controversy.

#### **EIGHTH COUNT**

##### **(Declaratory Judgment of Invalidity of the '736 Patent)**

64. The allegations contained in paragraphs 1 through 63 are incorporated by reference as if fully set herein.

65. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '736 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

66. On information and belief, the '736 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

67. A judicial declaration of invalidity of the '736 patent is necessary and appropriate in order to resolve this controversy.

#### **NINTH COUNT**

##### **(Declaratory Judgment of Lack of Standing to Enforce the '736 Patent)**

68. The allegations contained in paragraphs 1 through 67 are incorporated by reference as if fully set herein.

69. IV claims to be the owner and assignee of all rights, title, and interest in and under the '736 patent.

70. On information and belief, IV has not shown that it has the right to bring an action to enforce the '736 patent.

71. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '736 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

72. A judicial declaration that IV lacks standing to enforce the '736 patent is necessary and appropriate in order to resolve this controversy.

#### **TENTH COUNT**

##### **(Declaratory Judgment of Non-Infringement of the '165 Patent)**

73. The allegations contained in paragraphs 1 through 72 are incorporated by reference as if fully set herein.

74. IV claims to be the owner and assignee of all rights, title, and interest in and under the '165 patent.

75. IV has accused Plaintiff of infringing the '165 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '165 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

76. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '165 patent.

77. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '165 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

78. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '165 patent, either literally or under the doctrine of equivalents.

79. A judicial declaration of non-infringement of the '165 patent is necessary and appropriate in order to resolve this controversy.

#### **ELEVENTH COUNT**

##### **(Declaratory Judgment of Invalidity of the '165 Patent)**

80. The allegations contained in paragraphs 1 through 79 are incorporated by reference as if fully set herein.

81. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '165 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

82. On information and belief, the '165 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

83. A judicial declaration of invalidity of the '165 patent is necessary and appropriate in order to resolve this controversy.

#### **TWELFTH COUNT**

##### **(Declaratory Judgment of Lack of Standing to Enforce the '165 Patent)**

84. The allegations contained in paragraphs 1 through 83 are incorporated by reference as if fully set herein.

85. IV claims to be the owner and assignee of all rights, title, and interest in and under the '165 patent.

86. On information and belief, IV has not shown that it has the right to bring an action to enforce the '165 patent.

87. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '165 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

88. A judicial declaration that IV lacks standing to enforce the '165 patent is necessary and appropriate in order to resolve this controversy.

### **THIRTEENTH COUNT**

#### **(Declaratory Judgment of Non-Infringement of the '527 Patent)**

89. The allegations contained in paragraphs 1 through 88 are incorporated by reference as if fully set herein.

90. IV claims to be the owner and assignee of all rights, title, and interest in and under the '527 patent.

91. IV has accused Plaintiff of infringing the '527 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '527 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

92. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '527 patent.

93. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '527 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

94. Upon information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '527 patent, either literally or under the doctrine of equivalents.

95. A judicial declaration of non-infringement of the '527 patent is necessary and appropriate in order to resolve this controversy.

### **FOURTEENTH COUNT**

#### **(Declaratory Judgment of Invalidity of the '527 Patent)**

96. The allegations contained in paragraphs 1 through 95 are incorporated by reference as if fully set herein.

1           97. Under all the circumstances in this dispute, IV has, at a minimum, created a  
2 substantial, immediate, and real controversy between the parties as to the invalidity of the '527  
3 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within  
4 the meaning of 28 U.S.C. § 2201.

5           98. Upon information and belief, the '527 patent is invalid because of its failure to  
6 comply with one or more of the requirements of the patent laws of the United States, including,  
7 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

8           99. A judicial declaration of invalidity of the '527 patent is necessary and appropriate  
9 in order to resolve this controversy.

10                                   **FIFTEENTH COUNT**

11                   **(Declaratory Judgment of Lack of Standing to Enforce the '527 Patent)**

12           100. The allegations contained in paragraphs 1 through 99 are incorporated by reference  
13 as if fully set herein.

14           101. IV claims to be the owner and assignee of all rights, title, and interest in and under  
15 the '527 patent.

16           102. On information and belief, IV has not shown that it has the right to bring an action  
17 to enforce the '527 patent.

18           103. Under all the circumstances in this dispute, IV has, at a minimum, created a  
19 substantial, immediate, and real controversy between the parties as to whether IV has standing to  
20 enforce the '527 patent. A valid and justiciable controversy has arisen and exists between  
21 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

22           104. A judicial declaration that IV lacks standing to enforce the '527 patent is necessary  
23 and appropriate in order to resolve this controversy.

24                                   **SIXTEENTH COUNT**

25                   **(Declaratory Judgment of Non-Infringement of the '087 Patent)**

26           105. The allegations contained in paragraphs 1 through 104 are incorporated by  
27 reference as if fully set herein.  
28

106. IV claims to be the owner and assignee of all rights, title, and interest in and under the '087 patent.

107. IV has accused Plaintiff of infringing the '087 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '087 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

108. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '087 patent.

109. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '087 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

110. Upon information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '087 patent, either literally or under the doctrine of equivalents.

111. A judicial declaration of non-infringement of the '087 patent is necessary and appropriate in order to resolve this controversy.

#### **SEVENTEENTH COUNT**

##### **(Declaratory Judgment of Invalidity of the '087 Patent)**

112. The allegations contained in paragraphs 1 through 111 are incorporated by reference as if fully set herein.

113. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '087 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

1           114. Upon information and belief, the '087 patent is invalid because of its failure to  
2 comply with one or more of the requirements of the patent laws of the United States, including,  
3 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

4           115. A judicial declaration of invalidity of the '087 patent is necessary and appropriate  
5 in order to resolve this controversy.

6                                   **EIGHTEENTH COUNT**

7                   **(Declaratory Judgment of Lack of Standing to Enforce the '087 Patent)**

8           116. The allegations contained in paragraphs 1 through 115 are incorporated by  
9 reference as if fully set herein.

10          117. IV claims to be the owner and assignee of all rights, title, and interest in and under  
11 the '087 patent.

12          118. On information and belief, IV has not shown that it has the right to bring an action  
13 to enforce the '087 patent.

14          119. Under all the circumstances in this dispute, IV has, at a minimum, created a  
15 substantial, immediate, and real controversy between the parties as to whether IV has standing to  
16 enforce the '087 patent. A valid and justiciable controversy has arisen and exists between  
17 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

18          120. A judicial declaration that IV lacks standing to enforce the '087 patent is necessary  
19 and appropriate in order to resolve this controversy.

20                                   **NINETEENTH COUNT**

21                   **(Declaratory Judgment of Non-Infringement of the '646 Patent)**

22          121. The allegations contained in paragraphs 1 through 120 are incorporated by  
23 reference as if fully set herein.

24          122. IV claims to be the owner and assignee of all rights, title, and interest in and under  
25 the '646 patent.

26          123. IV has accused Plaintiff of infringing the '646 patent through its manufacture, sale,  
27 use, and/or importation of certain software products, and has asserted that Plaintiff must take a  
28



1 license to the '646 patent to lawfully continue the manufacture, sale, use, and/or importation of  
2 these software products.

3 124. Plaintiff has informed IV that Plaintiff contends that it has the right to be engaged  
4 in the manufacture, sale, use, and/or importation of these software products without a license to  
5 the '646 patent.

6 125. Under all the circumstances in this dispute, IV has, at a minimum, created a  
7 substantial, immediate, and real controversy between the parties as to the non-infringement of the  
8 '646 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV  
9 within the meaning of 28 U.S.C. § 2201.

10 126. Upon information and belief, Plaintiff has not directly or indirectly infringed any  
11 valid and enforceable claims of the '646 patent, either literally or under the doctrine of  
12 equivalents.

13 127. A judicial declaration of non-infringement of the '646 patent is necessary and  
14 appropriate in order to resolve this controversy.

15 **TWENTIETH COUNT**

16 **(Declaratory Judgment of Invalidity of the '646 Patent)**

17 128. The allegations contained in paragraphs 1 through 127 are incorporated by  
18 reference as if fully set herein.

19 129. Under all the circumstances in this dispute, IV has, at a minimum, created a  
20 substantial, immediate, and real controversy between the parties as to the invalidity of the '646  
21 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within  
22 the meaning of 28 U.S.C. § 2201.

23 130. Upon information and belief, the '646 patent is invalid because of its failure to  
24 comply with one or more of the requirements of the patent laws of the United States, including,  
25 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

26 131. A judicial declaration of invalidity of the '646 patent is necessary and appropriate  
27 in order to resolve this controversy.

1 **TWENTY-FIRST COUNT**

2 **(Declaratory Judgment of Lack of Standing to Enforce the '646 Patent)**

3 132. The allegations contained in paragraphs 1 through 131 are incorporated by  
4 reference as if fully set herein.

5 133. IV claims to be the owner and assignee of all rights, title, and interest in and under  
6 the '646 patent.

7 134. On information and belief, IV has not shown that it has the right to bring an action  
8 to enforce the '646 patent.

9 135. Under all the circumstances in this dispute, IV has, at a minimum, created a  
10 substantial, immediate, and real controversy between the parties as to whether IV has standing to  
11 enforce the '646 patent. A valid and justiciable controversy has arisen and exists between  
12 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

13 136. A judicial declaration that IV lacks standing to enforce the '646 patent is necessary  
14 and appropriate in order to resolve this controversy.

15 **TWENTY-SECOND COUNT**

16 **(Declaratory Judgment of Non-Infringement of the '331 Patent)**

17 137. The allegations contained in paragraphs 1 through 136 are incorporated by  
18 reference as if fully set herein.

19 138. IV claims to be the owner and assignee of all rights, title, and interest in and under  
20 the '331 patent.

21 139. IV has accused Plaintiff of infringing the '331 patent through its manufacture, sale,  
22 use, and/or importation of certain hardware products and/or integrated circuits, and has asserted  
23 that Plaintiff must take a license to the '331 patent to lawfully continue the manufacture, sale, use,  
24 and/or importation of the accused integrated circuits.

25 140. Plaintiff has informed IV that Plaintiff contends it has the right to engage in the  
26 manufacture, sale, use, and/or importation of these hardware products and/or integrated circuits  
27 without a license to the '331 patent.  
28

141. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '331 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

142. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '331 patent, either literally or under the doctrine of equivalents.

143. A judicial declaration of non-infringement of the '331 patent is necessary and appropriate in order to resolve this controversy.

#### **TWENTY-THIRD COUNT**

##### **(Declaratory Judgment of Invalidity of the '331 Patent)**

144. The allegations contained in paragraphs 1 through 143 are incorporated by reference as if fully set herein.

145. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '331 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

146. On information and belief, the '331 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

147. A judicial declaration of invalidity of the '331 patent is necessary and appropriate in order to resolve this controversy.

#### **TWENTY-FOURTH COUNT**

##### **(Declaratory Judgment of Lack of Standing to Enforce the '331 Patent)**

148. The allegations contained in paragraphs 1 through 147 are incorporated by reference as if fully set herein.

149. IV claims to be the owner and assignee of all rights, title, and interest in and under the '331 patent.

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 **Case No. C-11-0671** **LB**  
13 **COMPLAINT FOR DECLARATORY**  
14 **JUDGMENT OF PATENT NON-**  
15 **INFRINGEMENT AND INVALIDITY**  
16 **DEMAND FOR JURY TRIAL**

17 XILINX, INC.,

18 Plaintiff,

19 v.

20 INVENTION INVESTMENT FUND I LP,  
21 INVENTION INVESTMENT FUND II LLC,  
22 INTELLECTUAL VENTURES LLC,  
23 INTELLECTUAL VENTURES  
24 MANAGEMENT LLC,  
25 INTELLECTUAL VENTURES I LLC,  
26 INTELLECTUAL VENTURES II LLC,

27 Defendants.

28 Xilinx, Inc. ("Xilinx" or "Plaintiff"), by and through its undersigned counsel, complains  
against Invention Investment Fund I LP, Invention Investment Fund II LLC, Intellectual Ventures  
LLC, Intellectual Ventures Management LLC, Intellectual Ventures I LLC, Intellectual Ventures  
II LLC, as follows:

150. On information and belief, IV has not shown that it has the right to bring an action to enforce the '331 patent.

151. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '331 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

152. A judicial declaration that IV lacks standing to enforce the '331 patent is necessary and appropriate in order to resolve this controversy.

#### **TWENTY-FIFTH COUNT**

##### **(Declaratory Judgment of Non-Infringement of the '415 Patent)**

153. The allegations contained in paragraphs 1 through 152 are incorporated by reference as if fully set herein.

154. IV claims to be the owner and assignee of all rights, title, and interest in and under the '415 patent.

155. IV has accused Plaintiff of infringing the '415 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '415 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

156. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '415 patent.

157. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '415 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

158. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '415 patent, either literally or under the doctrine of equivalents.

159. A judicial declaration of non-infringement of the '415 patent is necessary and appropriate in order to resolve this controversy.

#### **TWENTY-SIXTH COUNT**

##### **(Declaratory Judgment of Invalidity of the '415 Patent)**

160. The allegations contained in paragraphs 1 through 159 are incorporated by reference as if fully set herein.

161. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '415 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

162. On information and belief, the '415 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

163. A judicial declaration of invalidity of the '415 patent is necessary and appropriate in order to resolve this controversy.

#### **TWENTY-SEVENTH COUNT**

##### **(Declaratory Judgment of Lack of Standing to Enforce the '415 Patent)**

164. The allegations contained in paragraphs 1 through 163 are incorporated by reference as if fully set herein.

165. IV claims to be the owner and assignee of all rights, title, and interest in and under the '415 patent.

166. On information and belief, IV has not shown that it has the right to bring an action to enforce the '415 patent.

167. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to

1 enforce the '415 patent. A valid and justiciable controversy has arisen and exists between  
2 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

3 168. A judicial declaration that IV lacks standing to enforce the '415 patent is necessary  
4 and appropriate in order to resolve this controversy.

5 **TWENTY-EIGHTH COUNT**

6 **(Declaratory Judgment of Non-Infringement of the '865 Patent)**

7 169. The allegations contained in paragraphs 1 through 168 are incorporated by  
8 reference as if fully set herein.

9 170. IV claims to be the owner and assignee of all rights, title, and interest in and under  
10 the '865 patent.

11 171. IV has accused Plaintiff of infringing the '865 patent through its manufacture, sale,  
12 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a  
13 license to the '865 patent to lawfully continue the manufacture, sale, use, and/or importation of  
14 these integrated circuits.

15 172. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in  
16 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the  
17 '865 patent.

18 173. Under all the circumstances in this dispute, IV has, at a minimum, created a  
19 substantial, immediate, and real controversy between the parties as to the non-infringement of the  
20 '865 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV  
21 within the meaning of 28 U.S.C. § 2201.

22 174. On information and belief, Plaintiff has not directly or indirectly infringed any  
23 valid and enforceable claims of the '865 patent, either literally or under the doctrine of  
24 equivalents.

25 175. A judicial declaration of non-infringement of the '865 patent is necessary and  
26 appropriate in order to resolve this controversy.

1 **TWENTY-NINTH COUNT**

2 **(Declaratory Judgment of Invalidity of the '865 Patent)**

3 176. The allegations contained in paragraphs 1 through 175 are incorporated by  
4 reference as if fully set herein.

5 177. Under all the circumstances in this dispute, IV has, at a minimum, created a  
6 substantial, immediate, and real controversy between the parties as to the invalidity of the '865  
7 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within  
8 the meaning of 28 U.S.C. § 2201.

9 178. On information and belief, the '865 patent is invalid because of its failure to  
10 comply with one or more of the requirements of the patent laws of the United States, including,  
11 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

12 179. A judicial declaration of invalidity of the '865 patent is necessary and appropriate  
13 in order to resolve this controversy.

14 **THIRTIETH COUNT**

15 **(Declaratory Judgment of Non-Infringement of the '001 Patent)**

16 180. The allegations contained in paragraphs 1 through 179 are incorporated by  
17 reference as if fully set herein.

18 181. IV claims to be the owner and assignee of all rights, title, and interest in and under  
19 the '001 patent.

20 182. IV has accused Plaintiff of infringing the '001 patent through its manufacture, sale,  
21 use, and/or importation of certain software products, and has asserted that Plaintiff must take a  
22 license to the '001 patent to lawfully continue the manufacture, sale, use, and/or importation of  
23 these software products.

24 183. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in  
25 the manufacture, sale, use, and/or importation of these software products without a license to the  
26 '001 patent.

27 184. Under all the circumstances in this dispute, IV has, at a minimum, created a  
28 substantial, immediate, and real controversy between the parties as to the non-infringement of the



'001 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

185. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '001 patent, either literally or under the doctrine of equivalents.

186. A judicial declaration of non-infringement of the '001 patent is necessary and appropriate in order to resolve this controversy.

### **THIRTY-FIRST COUNT**

#### **(Declaratory Judgment of Invalidity of the '001 Patent)**

187. The allegations contained in paragraphs 1 through 186 are incorporated by reference as if fully set herein.

188. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '001 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

189. On information and belief, the '001 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

190. A judicial declaration of invalidity of the '001 patent is necessary and appropriate in order to resolve this controversy.

### **THIRTY-SECOND COUNT**

#### **(Declaratory Judgment of Lack of Standing to Enforce the '001 Patent)**

191. The allegations contained in paragraphs 1 through 190 are incorporated by reference as if fully set herein.

192. IV claims to be the owner and assignee of all rights, title, and interest in and under the '001 patent.

193. On information and belief, IV has not shown that it has the right to bring an action to enforce the '001 patent.

194. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '001 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

195. A judicial declaration that IV lacks standing to enforce the '001 patent is necessary and appropriate in order to resolve this controversy.

### **THIRTY-THIRD COUNT**

#### **(Declaratory Judgment of Non-Infringement of the '350 Patent)**

196. The allegations contained in paragraphs 1 through 195 are incorporated by reference as if fully set herein.

197. IV claims to be the owner and assignee of all rights, title, and interest in and under the '350 patent.

198. IV has accused Plaintiff of infringing the '350 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '350 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

199. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '350 patent.

200. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '350 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

201. Upon information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '350 patent, either literally or under the doctrine of equivalents.

202. A judicial declaration of non-infringement of the '350 patent is necessary and appropriate in order to resolve this controversy.

1 **THIRTY-FOURTH COUNT**

2 **(Declaratory Judgment of Invalidity of the '350 Patent)**

3 203. The allegations contained in paragraphs 1 through 202 are incorporated by  
4 reference as if fully set herein.

5 204. Under all the circumstances in this dispute, IV has, at a minimum, created a  
6 substantial, immediate, and real controversy between the parties as to the invalidity of the '350  
7 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within  
8 the meaning of 28 U.S.C. § 2201.

9 205. Upon information and belief, the '350 patent is invalid because of its failure to  
10 comply with one or more of the requirements of the patent laws of the United States, including,  
11 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

12 206. A judicial declaration of invalidity of the '350 patent is necessary and appropriate  
13 in order to resolve this controversy.

14 **THIRTY-FIFTH COUNT**

15 **(Declaratory Judgment of Lack of Standing to Enforce the '350 Patent)**

16 207. The allegations contained in paragraphs 1 through 206 are incorporated by  
17 reference as if fully set herein.

18 208. IV claims to be the owner and assignee of all rights, title, and interest in and under  
19 the '350 patent.

20 209. On information and belief, IV has not shown that it has the right to bring an action  
21 to enforce the '350 patent.

22 210. Under all the circumstances in this dispute, IV has, at a minimum, created a  
23 substantial, immediate, and real controversy between the parties as to whether IV has standing to  
24 enforce the '350 patent. A valid and justiciable controversy has arisen and exists between  
25 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

26 211. A judicial declaration that IV lacks standing to enforce the '350 patent is necessary  
27 and appropriate in order to resolve this controversy.

**THIRTY-SIXTH COUNT**

**(Declaratory Judgment of Non-Infringement of the '497 Patent)**

212. The allegations contained in paragraphs 1 through 211 are incorporated by reference as if fully set herein.

213. IV claims to be the owner and assignee of all rights, title, and interest in and under the '497 patent.

214. IV has accused Plaintiff of infringing the '497 patent through its manufacture, sale, use, and/or importation of certain software products, and has asserted that Plaintiff must take a license to the '497 patent to lawfully continue the manufacture, sale, use, and/or importation of these software products.

215. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these software products without a license to the '497 patent.

216. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '497 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

217. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '497 patent, either literally or under the doctrine of equivalents.

218. A judicial declaration of non-infringement of the '497 patent is necessary and appropriate in order to resolve this controversy.

**THIRTY-SEVENTH COUNT**

**(Declaratory Judgment of Invalidity of the '497 Patent)**

219. The allegations contained in paragraphs 1 through 218 are incorporated by reference as if fully set herein.

220. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '497

1 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within  
2 the meaning of 28 U.S.C. § 2201.

3 221. On information and belief, the '497 patent is invalid because of its failure to  
4 comply with one or more of the requirements of the patent laws of the United States, including,  
5 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

6 222. A judicial declaration of invalidity of the '497 patent is necessary and appropriate  
7 in order to resolve this controversy.

### 8 **THIRTY-EIGHTH COUNT**

#### 9 **(Declaratory Judgment of Lack of Standing to Enforce the '497 Patent)**

10 223. The allegations contained in paragraphs 1 through 222 are incorporated by  
11 reference as if fully set herein.

12 224. IV claims to be the owner and assignee of all rights, title, and interest in and under  
13 the '497 patent.

14 225. On information and belief, IV has not shown that it has the right to bring an action  
15 to enforce the '497 patent.

16 226. Under all the circumstances in this dispute, IV has, at a minimum, created a  
17 substantial, immediate, and real controversy between the parties as to whether IV has standing to  
18 enforce the '497 patent. A valid and justiciable controversy has arisen and exists between  
19 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

20 227. A judicial declaration that IV lacks standing to enforce the '497 patent is necessary  
21 and appropriate in order to resolve this controversy.

### 22 **THIRTY-NINTH COUNT**

#### 23 **(Declaratory Judgment of Non-Infringement of the '669 Patent)**

24 228. The allegations contained in paragraphs 1 through 227 are incorporated by  
25 reference as if fully set herein.

26 229. IV claims to be the owner and assignee of all rights, title, and interest in and under  
27 the '669 patent.



1 **NATURE OF THE ACTION**

2 1. This is an action for declaratory judgment of patent non-infringement, invalidity,  
3 and unenforceability arising under the patent laws of the United States, Title 35 of the United  
4 States Code.

5 **THE PARTIES**

6 2. Plaintiff, Xilinx, is a Delaware corporation with its principal place of business at  
7 2100 Logic Drive, San Jose, California 95124. Xilinx is engaged in the business of designing,  
8 developing, and marketing complete programmable logic solutions, including advanced  
9 integrated circuits, software design tools, predefined system functions delivered as intellectual  
10 property cores, design services, customer training, field engineering, and customer support.

11 3. On information and belief, Defendants, Invention Investment Fund I LP, is a  
12 Delaware limited partnership, and Invention Investment Fund II LLC, Intellectual Ventures LLC,  
13 Intellectual Ventures Management LLC, Intellectual Ventures I LLC, Intellectual Ventures II  
14 LLC, and are Delaware limited liability companies each with their principal place of business  
15 3150 139<sup>th</sup> Avenue SE, Building 4, Bellevue, Washington 98005.

16 4. On information and belief, each of the Defendants is in the business of acquiring  
17 and licensing patents and patent portfolios. Upon information and belief, each of the Defendants  
18 is otherwise subject to the jurisdiction of this Court. Throughout this complaint, the defendants  
19 are collectively referred to as "IV".

20 **JURISDICTION AND VENUE**

21 5. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*,  
22 under the patent laws of the United States, Title 35 of the United States Code. This Court has  
23 subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, 1367, 2201, and 2202.

24 6. This Court has personal jurisdiction over Defendants by virtue of their sufficient  
25 minimum contacts with this forum as a result of the business they conduct within the State of  
26 California and within the Northern District of California.

27 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).  
28

238. A judicial declaration of invalidity of the '669 patent is necessary and appropriate in order to resolve this controversy.

#### **FORTY-FIRST COUNT**

##### **(Declaratory Judgment of Lack of Standing to Enforce the '669 Patent)**

239. The allegations contained in paragraphs 1 through 238 are incorporated by reference as if fully set herein.

240. IV claims to be the owner and assignee of all rights, title, and interest in and under the '669 patent.

241. On information and belief, IV has not shown that it has the right to bring an action to enforce the '669 patent.

242. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '669 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

243. A judicial declaration that IV lacks standing to enforce the '669 patent is necessary and appropriate in order to resolve this controversy.

#### **FORTY-SECOND COUNT**

##### **(Declaratory Judgment of Non-Infringement of the '301 Patent)**

244. The allegations contained in paragraphs 1 through 243 are incorporated by reference as if fully set herein.

245. IV claims to be the owner and assignee of all rights, title, and interest in and under the '301 patent.

246. IV has accused Plaintiff of infringing the '301 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '301 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.



247. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '301 patent.

248. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '301 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

249. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '301 patent, either literally or under the doctrine of equivalents.

250. A judicial declaration of non-infringement of the '301 patent is necessary and appropriate in order to resolve this controversy.

**FORTY-THIRD COUNT**

**(Declaratory Judgment of Invalidity of the '301 Patent)**

251. The allegations contained in paragraphs 1 through 250 are incorporated by reference as if fully set herein.

252. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '301 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

253. On information and belief, the '301 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

254. A judicial declaration of invalidity of the '301 patent is necessary and appropriate in order to resolve this controversy.

**FORTY-FOURTH COUNT**

**(Declaratory Judgment of Non-Infringement of the '061 Patent)**

255. The allegations contained in paragraphs 1 through 254 are incorporated by reference as if fully set herein.

256. IV claims to be the owner and assignee of all rights, title, and interest in and under the '061 patent.

257. IV has accused Plaintiff of infringing the '061 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '061 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

258. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '061 patent.

259. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '061 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

260. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '061 patent, either literally or under the doctrine of equivalents.

261. A judicial declaration of non-infringement of the '061 patent is necessary and appropriate in order to resolve this controversy.

**FORTY-FIFTH COUNT**

**(Declaratory Judgment of Invalidity of the '061 Patent)**

262. The allegations contained in paragraphs 1 through 261 are incorporated by reference as if fully set herein.

263. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '061

1 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within  
2 the meaning of 28 U.S.C. § 2201.

3 264. On information and belief, the '061 patent is invalid because of its failure to  
4 comply with one or more of the requirements of the patent laws of the United States, including,  
5 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

6 265. A judicial declaration of invalidity of the '061 patent is necessary and appropriate  
7 in order to resolve this controversy.

#### 8 **FORTY-SIXTH COUNT**

##### 9 **(Declaratory Judgment of Lack of Standing to Enforce the '061 Patent)**

10 266. The allegations contained in paragraphs 1 through 265 are incorporated by  
11 reference as if fully set herein.

12 267. IV claims to be the owner and assignee of all rights, title, and interest in and under  
13 the '061 patent.

14 268. On information and belief, IV has not shown that it has the right to bring an action  
15 to enforce the '061 patent.

16 269. Under all the circumstances in this dispute, IV has, at a minimum, created a  
17 substantial, immediate, and real controversy between the parties as to whether IV has standing to  
18 enforce the '061 patent. A valid and justiciable controversy has arisen and exists between  
19 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

20 270. A judicial declaration that IV lacks standing to enforce the '061 patent is necessary  
21 and appropriate in order to resolve this controversy.

#### 22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff requests that the Court enter judgment in its favor and against  
24 Invention Investment Fund I LP, Invention Investment Fund II LLC, Intellectual Ventures LLC,  
25 Intellectual Ventures Management LLC, Intellectual Ventures I LLC, and Intellectual Ventures II  
26 LLC, and requests the following relief:

27 (A) An adjudication that the '251, '325, '736, '165, '527, '087, '646, '331,  
28 '415, '865, '001, '350, '497, '669, '301, and '061 patents (collectively, the

- 1 "Asserted Patents") are not infringed by Plaintiff's importation, use, offer  
2 for sale, and/or sale in the United States of the Accused Products;  
3 (B) An adjudication that the Asserted Patents are invalid;  
4 (C) An adjudication that IV does not have the right to bring an action to  
5 enforce the '251, '325, '736, '165, '527, '087, '646, '331, '415, '001, '350,  
6 '497, '669, and '061 patents;  
7 (D) An adjudication in favor of Plaintiff on each of Plaintiff's claims;  
8 (E) An adjudication that this is an exceptional case, and an award of Plaintiff's  
9 costs and attorneys' fees by Defendant pursuant to 35 U.S.C. § 285 or  
10 otherwise; and  
11 (F) Such other relief as this Court deems just and proper.

12  
13 **DEMAND FOR JURY TRIAL**

14 Pursuant to Federal Rule of Civil Procedure 38(b) and Northern District of California  
15 Local Rule 3-6(a), Plaintiff respectfully requests a jury trial on all issues triable thereby.  
16

17 Date: February 14, 2011

Respectfully submitted,

18 JONES DAY

19 By: 

Behrooz Shariati

20  
21  
22 *Attorneys for Xilinx, Inc.*  
23  
24  
25  
26  
27  
28

### INTRADISTRICT ASSIGNMENT

8. For purposes of intradistrict assignment pursuant to Civil Local Rules 3-2(c) and 3-5(b), this Intellectual Property Action is to be assigned on a district-wide basis.

### THE PATENTS-IN-SUIT

9. The United States Patent and Trademark Office (the "USPTO") issued United States Patent No. 5,524,251 ("the '251 patent"), entitled "Microcomputer having ALU Performing Min and Max Operations," on June 4, 1996

10. The USPTO issued United States Patent No. 5,687,325 ("the '325 patent"), entitled "Application Specific Field Programmable Gate Array," on November 11, 1997. On December 8, 2010, Intellectual Ventures II, LLC alleged infringement of the '325 patent by Altera Corporation, Microsemi Corporation, and Lattice Semiconductor Corporation in case 1:10-cv-01065 filed in the District of Delaware.

11. The USPTO issued United States Patent No. 5,751,736 ("the '736 patent"), entitled "Testable Electronic System," on May 12, 1998.

12. The USPTO issued United States Patent No. 5,887,165 ("the '165 patent"), entitled "Dynamically Reconfigurable Hardware System for Real-time Control of Processes," on March 23, 1999.

13. The USPTO issued United States Patent No. 6,252,527 ("the '527 patent"), entitled "Interface Unit for Serial-to-Parallel Conversion and/or Parallel-to-Serial Conversion," on June 26, 2001.

14. The USPTO issued United States Patent No. 6,260,087 ("the '087 patent"), entitled "Embedded Configurable Logic ASIC," on July 10, 2001. On December 8, 2010, Intellectual Ventures II, LLC alleged infringement of the '325 patent by Altera Corporation, Microsemi Corporation, and Lattice Semiconductor Corporation in case 1:10-cv-01065 filed in the District of Delaware.

15. The USPTO issued United States Patent No. 6,272,646 ("the '646 patent"), entitled "Programmable Logic Device Having an Integrated Phase Lock Loop," on August 7, 2001. On December 8, 2010, Intellectual Ventures II, LLC alleged infringement of the '325

1 patent by Altera Corporation, Microsemi Corporation, and Lattice Semiconductor Corporation in  
2 case 1:10-cv-01065 filed in the District of Delaware.

3 16. The USPTO issued United States Patent No. 6,321,331 ("the '331 patent"),  
4 entitled "Real Time Debugger Interface for Embedded Systems," on November 20, 2001.

5 17. The USPTO issued United States Patent No. 6,408,415 ("the '415 patent"),  
6 entitled "Test Mode Setup Circuit for Microcontroller Unit," on June 18, 2002.

7 18. The USPTO issued United States Patent No. 6,687,865 ("the '865 patent"),  
8 entitled "On-Chip Service Processor for Test and Debug of Integrated Circuits," on February 3,  
9 2004.

10 19. The USPTO issued United States Patent No. 6,698,001 ("the '001 patent"),  
11 entitled "Method for Generating Register Transfer Level Code," on February 24, 2004.

12 20. The USPTO issued United States Patent No. 6,747,350 ("the '350 patent"),  
13 entitled "Flip Chip Package Structure," on June 8, 2004.

14 21. The USPTO issued United States Patent No. 6,768,497 ("the '497 patent"),  
15 entitled "Elastic Presentation Space," on July 27, 2004.

16 22. The USPTO issued United States Patent No. 6,993,669 ("the '669 patent"),  
17 entitled "Low Power Clocking Systems and Methods," on January 31, 2006. On December 8,  
18 2010, Intellectual Ventures 1, LLC alleged infringement of the '325 patent by Altera Corporation  
19 and Lattice Semiconductor Corporation in case 1:10-cv-01065 filed in the District of Delaware.

20 23. The USPTO issued United States Patent No. 7,080,301 ("the '301 patent"),  
21 entitled "On-Chip Service Processor," on July 18, 2006.

22 24. The USPTO issued United States Patent No. 7,100,061 ("the '061 patent"),  
23 entitled "Adaptive Power Control," on August 29, 2006.

24 **FIRST COUNT**

25 **(Declaratory Judgment of Non-Infringement of the '251 Patent)**

26 25. The allegations contained in paragraphs 1 through 24 are incorporated by reference  
27 as if fully set herein.

1           26.     IV claims to be the owner and assignee of all rights, title, and interest in and under  
2 the '251 patent.

3           27.     IV has accused Plaintiff of infringing the '251 patent through its manufacture, sale,  
4 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a  
5 license to the '251 patent to lawfully continue the manufacture, sale, use, and/or importation of  
6 these integrated circuits.

7           28.     Plaintiff has informed IV that Plaintiff contends that it has the right to engage in  
8 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the  
9 '251 patent.

10          29.     Under all the circumstances in this dispute, IV has, at a minimum, created a  
11 substantial, immediate, and real controversy between the parties as to the non-infringement of the  
12 '251 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV  
13 within the meaning of 28 U.S.C. § 2201.

14          30.     On information and belief, Plaintiff has not directly or indirectly infringed any  
15 valid and enforceable claims of the '251 patent, either literally or under the doctrine of  
16 equivalents.

17          31.     A judicial declaration of non-infringement of the '251 patent is necessary and  
18 appropriate in order to resolve this controversy.

19                               **SECOND COUNT**

20                               **(Declaratory Judgment of Invalidity of the '251 Patent)**

21          32.     The allegations contained in paragraphs 1 through 31 are incorporated by reference  
22 as if fully set herein.

23          33.     Under all the circumstances in this dispute, IV has, at a minimum, created a  
24 substantial, immediate, and real controversy between the parties as to the invalidity of the '251  
25 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within  
26 the meaning of 28 U.S.C. § 2201.

34. On information and belief, the '251 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

35. A judicial declaration of invalidity of the '251 patent is necessary and appropriate in order to resolve this controversy.

### **THIRD COUNT**

#### **(Declaratory Judgment of Lack of Standing to Enforce the '251 Patent)**

36. The allegations contained in paragraphs 1 through 35 are incorporated by reference as if fully set herein.

37. IV claims to be the owner and assignee of all rights, title, and interest in and under the '251 patent.

38. On information and belief, IV has not shown that it has the right to bring an action to enforce the '251 patent.

39. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '251 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

40. A judicial declaration that IV lacks standing to enforce the '251 patent is necessary and appropriate in order to resolve this controversy.

### **FOURTH COUNT**

#### **(Declaratory Judgment of Non-Infringement of the '325 Patent)**

41. The allegations contained in paragraphs 1 through 40 are incorporated by reference as if fully set herein.

42. IV claims to be the owner and assignee of all rights, title, and interest in and under the '325 patent.

43. IV has accused Plaintiff of infringing the '325 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a



1 license to the '325 patent to lawfully continue the manufacture, sale, use, and/or importation of  
2 these integrated circuits.

3 44. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in  
4 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the  
5 '325 patent.

6 45. Under all the circumstances in this dispute, IV has, at a minimum, created a  
7 substantial, immediate, and real controversy between the parties as to the non-infringement of the  
8 '325 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV  
9 within the meaning of 28 U.S.C. § 2201.

10 46. Upon information and belief, Plaintiff has not directly or indirectly infringed any  
11 valid and enforceable claims of the '325 patent, either literally or under the doctrine of  
12 equivalents.

13 47. A judicial declaration of non-infringement of the '325 patent is necessary and  
14 appropriate in order to resolve this controversy.

#### 15 **FIFTH COUNT**

##### 16 **(Declaratory Judgment of Invalidity of the '325 Patent)**

17 48. The allegations contained in paragraphs 1 through 47 are incorporated by reference  
18 as if fully set herein.

19 49. Under all the circumstances in this dispute, IV has, at a minimum, created a  
20 substantial, immediate, and real controversy between the parties as to the invalidity of the '325  
21 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within  
22 the meaning of 28 U.S.C. § 2201.

23 50. Upon information and belief, the '325 patent is invalid because of its failure to  
24 comply with one or more of the requirements of the patent laws of the United States, including,  
25 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

26 51. A judicial declaration of invalidity of the '325 patent is necessary and appropriate  
27 in order to resolve this controversy.

**SIXTH COUNT**

**(Declaratory Judgment of Lack of Standing to Enforce the '325 Patent)**

52. The allegations contained in paragraphs 1 through 51 are incorporated by reference as if fully set herein.

53. IV claims to be the owner and assignee of all rights, title, and interest in and under the '325 patent.

54. On information and belief, IV has not shown that it has the right to bring an action to enforce the '325 patent.

55. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '325 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

56. A judicial declaration that IV lacks standing to enforce the '325 patent is necessary and appropriate in order to resolve this controversy.

**SEVENTH COUNT**

**(Declaratory Judgment of Non-Infringement of the '736 Patent)**

57. The allegations contained in paragraphs 1 through 56 are incorporated by reference as if fully set herein.

58. IV claims to be the owner and assignee of all rights, title, and interest in and under the '736 patent.

59. IV has accused Plaintiff of infringing the '736 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '736 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

60. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '736 patent.